

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

IN RE:	)	CHAPTER 13
	)	
	)	CASE NO. 19-15335
Bernard Sawyer	)	
Tracey L. Gibson Sawyer	)	JUDGE PRICE SMITH
	)	
DEBTORS	)	MOTION TO PAY STUDENT LOAN
	)	INCOME DRIVEN REPAYMENT
	)	THROUGH CHAPTER 13 PLAN

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Now come the Debtors, Bernard Sawyer & Tracey L. Gibson Sawyer, in this Chapter 13 Plan, and hereby move this Court for an order to allow Mrs. Gibson Sawyer to continue to make her student loan payments inside the Chapter 13 Plan.

1. The Debtors filed a Chapter 13 Plan on August 28, 2019 and filed a proposed modified Chapter 13 Plan on October 18, 2019.
2. The Debtor with the student loan is Tracey L. Gibson Sawyer, hereinafter “Debtor”.
3. Prior to filing Chapter 13, Debtor had entered an income driven repayment plan for her student loan payments with the US Department of Education.
4. The Debtor is in compliance and not in default with the income driven repayment requirements.
5. The Debtor’s current monthly income driven repayment is in the amount of \$0.00.
6. The Debtors are moving this Court to allow Mrs. Gibson Sawyer to pay the income driven repayment plan for the student loan through the Chapter 13 Plan.
7. Provided that the Debtor remains current in payments into her Chapter 13 Plan, the Debtors are seeking an order to deem all payments through the Plan by the Chapter 13 Trustee with regard to the income driven repayment plan as timely. The timing of the Trustee’s disbursement is not relevant in this determination as all Trustee payments would be deemed timely, and the Debtor would be in compliance with the income driven repayment plan.

WHEREFORE, the Debtors hereby move this Court for an order to allow Mrs. Gibson Sawyer to pay her student loan income driven repayments through the Chapter 13 Plan and to deem all payments made by the Trustee to be timely under the terms of the income driven repayment plan.

Respectfully Submitted,

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## **CERTIFICATE OF SERVICE**

This is to certify that on June 22, 2020, a true and correct copy of the motion was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Stephen R. Franks, on behalf of Creditor, at [amps@manleydeas.com](mailto:amps@manleydeas.com)

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United States Trustee, at (Registered address)[@usdoj.gov](mailto:@usdoj.gov)

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Suzana M. Koch, Esq., on behalf of Creditor, at [Suzana.Koch@usdoj.gov](mailto:Suzana.Koch@usdoj.gov)

And by regular U.S. mail, postage prepaid, on:

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